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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

000002

EPA Region 5 Records Ctr.



235098

JAN. 14 1994

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:
CS-3T

American Diversified Industries, Inc.
c/o: Glenn E. Gromann, Esq.
334 Belleville Avenue
Belleville, NJ 07109

Re: Status of information submitted for purposes of amending
"Findings of Facts" section of AOC #V-W-'93-C-207

Dear Mr. Gromann:

This is in response to your letter of January 10, 1994, wherein you requested a decision by the United States Environmental Protection Agency ("U.S. EPA") concerning the information that you submitted in November 1993, for consideration in modifying the "finding of facts" section of the abovementioned Administrative Order by Consent ("AOC"). I have had the opportunity to review the abovementioned information and meet with the U.S. EPA On-Scene Coordinator and the Enforcement Specialist in this case. It is the opinion of U.S. EPA that the information that you have submitted as supplementary evidence should be placed in the U.S. EPA Administrative Record as submissions relevant to the overall site history. However, U.S. EPA is not inclined to amend the actual AOC in this case. This is because: 1) The work designated as remediation for the site in question is nearly fully complete and the AOC will soon be moot; 2) The fact record matters raised by the November 1993 submissions do not alter the overall liability determination in this case; and, 3) By placing the documents submitted into the Mark Twain Industries case file Administrative Record, U.S. EPA is giving due recognition and creditability to the information.

If you have any comments or questions, please feel free to contact me at 312/886-6613.

Sincerely yours,

Thomas Turner
Assistant Regional Counsel

cc: Tom Bloom, RPM
Peggy Schwebke, ES